

1 PETER D. KEISLER
2 JEANNE E. DAVIDSON
3 PATRICIA McCARTHY
4 MICHAEL D. PANZERA, Washington State Bar No. 31088
5 U.S. Department of Justice
6 1100 L Street, NW Room 4042
7 Washington, D.C. 20530
8 Telephone: (202) 305-7587
9

10 Attorneys for the Department of Commerce
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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

16 _____)
17 _____)
18 UNITED STATES,) No. CR 06-0692 PJH
19 _____)
20 v.) **JOINT STIPULATION**
21 _____) **AND [PROPOSED] ORDER**
22 IL UNG KIM,)
23 YOUNG BAE RHA, and) Hearing Noticed for July 25, 2007,
24 GARY SWANSON,) 2:30 p.m. before the Hon. Phyllis J. Hamilton
25 _____)
26 Defendants.)
27 _____)

28 **JOINT STIPULATION**
29

31 Whereas defendant Gary Swanson served a subpoena duces tecum for certain documents
32 upon the United States Department of Commerce (“Commerce”) on May 23, 2007.

33 Whereas Commerce filed a motion to quash the subpoena directed to it on June 15, 2007.

34 Now Therefore Commerce and Mr. Swanson hereby stipulate and agree as follows:

35 1. Mr. Swanson shall submit a completed order form to Commerce and payment for
36 the official public administrative record of the proceedings before, and determination by,
37 Commerce in the countervailing duty investigation in Dynamic Random Access Memory
38 Semiconductors from the Republic of Korea, Case No. C-580-851.

1 2. Upon receipt of payment, Commerce shall provide the official public
2 administrative record identified in paragraph 1. See Declaration of Program Manager, Office of
3 Antidumping & Countervailing Duty Compliance, Attachment A.

4 3. Upon the delivery of the official public administrative record identified in
5 paragraph 1, the subpoena shall be deemed satisfied and the motion to quash shall be moot.

6 4. Nothing in this stipulation shall be construed as an admission that the information
7 requested in the subpoena would be relevant to the above-captioned case, admissible in the
8 above-captioned case, or otherwise meets the common-law requirements of specificity and
9 necessity to warrant enforcement of the subpoena. Furthermore, nothing in this stipulation shall
10 be construed as an admission that Mr. Swanson would be entitled to any confidential information
11 in the administrative record.

12 5. The undersigned counsel are authorized by their respective clients to enter into
13 this stipulation.

14 [continued on next page]

6. This document constitutes a complete integration of the stipulation between Commerce and Mr. Swanson only, and supercedes any and all prior oral or written representations, understandings or agreements between them.

AGREED:

PETER D. KEISLER
Assistant Attorney General

JEANNE E. DAVIDSON
Director

PATRICIA M. McCARTHY
Assistant Director

MICHAEL D. PANZERA
Trial Attorney
U.S. Department of Justice
Civil Division
Commercial Litigation Branch
Attn: Class. Unit - 8th Floor
1100 L St., N.W.,
Washington, D.C. 20530

Tel.: (202)305-7587
Fax: (202) 353-7988

JOHN F. McLEAN, ESQ.
Law office of John F. McLean
45 Seafirth Road
Tiburon, CA 94920

and

Bartko, Zankel, Tarrant & Miller

Tel: (415) 435-6367

Dated: July 10, 2007

IT IS SO ORDERED

Dated July 12, 2007

Attorneys for the Department of Commerce

Dated: July 10, 2007

